



AMENDMENTS TO THE CLAIMS

Claim 1 (**currently amended**): A method comprising communicating to a potential consumer suffering from obesity that in combination:

(a) consuming dietary calcium in an amount that is above suboptimal, over a period of time, from in a calcium-containing product, and

(b) maintaining a restricted caloric diet below ad lib in a range that is about 200 kcal to about 2500 kcal per day, during that period of time,

may have has a beneficial effect on body weight or body fat from the consumption of the dietary calcium from the calcium-containing product, the effect selected from the group consisting of inducing weight loss, reducing weight gain, and/or increasing the metabolic consumption of adipose tissue in the individual,

the communicating being by an entity having a commercial interest in the consumption of the product, and wherein the communicating is by a method selected from the group consisting of verbal communication, pamphlet distribution, print media, audio tapes, magnetic media, digital media, audiovisual media, billboards, advertising, newspapers, magazines, direct mailings, radio, television, electronic mail, electronic media, banner ads, fiber optics, and information on a product package, insert or label or directly accompanying the product.

Claim 2 (original): The method of claim 1, wherein the communicating comprises providing information about suboptimal calcium consumption.

Claim 3 (original): The method of claim 1, further comprising communicating an effect of calcium consumption on osteoporosis.

Claim 4 (cancelled).

Claim 5 (original): The method of claim 1, wherein the effect on body weight comprises preventing or reducing obesity.

Claim 6 (original): The method of claim 1, wherein the effect on body weight comprises preventing or reducing weight gain.

Claim 7 (original): The method of claim 1, wherein the effect on body weight comprises weight loss.

Claim 8 (original): The method of claim 1, wherein the effect on body weight comprises inducing a metabolic change in an individual.

Claim 9 (**currently amended**): The method of claim 8, wherein further comprising communicating the effects of dietary calcium in inducing a the metabolic change selected from the group consisting of comprises decreasing intracellular calcium concentrations ($[Ca^{2+}]_i$), stimulating lipolysis, inhibiting lipogenesis, increasing the expression of white adipose tissue uncoupling protein 2 (UCP2), reducing serum insulin levels, thermogenesis, or decreasing the levels of calcitrophic hormones.

Claim 10 (original): The method of claim 1, wherein the effect on body weight comprises preventing or reducing weight gain and/or adiposity in children.

Claim 11 (original): The method of claim 1, wherein the communication pertains to a class of products to which the calcium-containing product belongs.

Claim 12 (original): The method of claim 1, wherein the product is a dairy product.

Claim 13 (original): The method of claim 1, wherein the product is a dietary supplement.

Claim 14 (original): The method of claim 1, wherein the product is a non-dairy foodstuff naturally high in calcium.

Claim 15 (original): The method of claim 1, wherein the product is a foodstuff fortified with calcium.

Claim 16 (original): The method of claim 1, wherein the product is selected from the group consisting of milk, yogurt and cheeses.

Claim 17 (original): The method of claim 1, wherein the product is a liquid supplemented with calcium.

Claim 18 (original): The method of claim 1, wherein the entity is the manufacturer of the product.

Claim 19 (original): The method of claim 1, wherein the entity is a retailer of the product.

Claim 20 (original): The method of claim 1, wherein the entity is a trade association whose members sell the product.

Claim 21 (original): The method of claim 1, wherein the product is identified by a trademark.

Claim 22 (**currently amended**): A method for inducing the consumption of dairy products by a commercial entity having a financial interest in the sale of the products, wherein the entity

distributes information to potential consumers of the dairy products describing weight-control benefits of dairy products attributable to the combination of:

- (a) the consumption of the products at least about 57 servings of dairy per month, and
- (b) maintaining a restricted caloric diet below ad lib in a range of about 200 kcal to about 2500 kcal per day, and

wherein the weight control benefits of consuming dairy are selected from the group consisting of inducing weight loss, reducing weight gain, and/or increasing the metabolic consumption of adipose tissue in the individual, and

wherein the information is distributed by a method selected from the group consisting of verbal communication, pamphlet distribution, print media, audio tapes, magnetic media, digital media, audiovisual media, billboards, advertising, newspapers, magazines, direct mailings, radio, television, electronic mail, electronic media, banner ads, fiber optics, and information on a product package, insert or label or directly accompanying the product.

Claim 23 (**currently amended**): The method of claim 22 wherein the distributed information recommends at least about 102 servings 57 portions of dairy per month.

Claim 24 (**currently amended**): A method for promoting to a potential consumer the consumption of a calcium-containing product ~~wherein said method comprises~~ comprising the public distribution of information describing obesity-control benefits attained from:

- (a) consuming greater than suboptimal amounts of dietary calcium in an amount of at least about 773 mg per day on average during a period of time, while

(b) maintaining a restricted caloric diet below ad lib in a range of from about 200 kcal to about 2500 kcal per day,

wherein the obesity-control benefits of said product which are attributable to the consumption of above suboptimal amounts of calcium in said product for inducing weight loss, reducing weight gain, and/or increasing the metabolic consumption of adipose tissue in the individual, and

wherein said distribution of said information is achieved by a method selected from the group consisting of verbal communication, pamphlet distribution, print media, audio tapes, magnetic media, digital media, audiovisual media, billboards, advertising, newspapers, magazines, direct mailings, radio, television, electronic mail, braille, electronic media, banner ads, fiber optics, laser light shows, and information on a product package, insert or label or directly accompanying the product.

Claim 25 (cancelled).

Claim 26 (original): The method according to claim 24; wherein said information pertains to a class of products to which said calcium-containing product belongs.

Claim 27 (original): The method according to claim 24, wherein said class of products is dairy products.

Claim 28 (previously presented): The method of claim 1, wherein the communication recommends consuming calcium daily in an amount of at least about 773 mg.

Claim 29 (previously presented): The method of claim 1, wherein the communication recommends consuming calcium daily in an amount of at least about 1000 mg.

Claim 30 (previously presented): The method according to 1, wherein the communication recommends consuming calcium daily in an amount of at least about 1,346 mg.

Claim 31 (cancelled)